HON'BLE SRI JUSTICE BILAL NAZKI

WRIT PETITION NO. 7252 OF 2000

Between:

J. Shankar, S/o J. Nagappa and 12 others .

...Petitioners

AND

1. The Secretary, Education Department, Secretariat Building, Hyderabad and four others

.....Respondents

HON'BLE SRI JUSTICE BILAL NAZKI

WRIT PETITION NO. 7252 OF 2000

ORAL ORDER:

This Writ Petition has been filed by certain employees of Osmania University, seeking a declaration from this court that stopping the payment of 30% of the basic pay as field allowance to the petitioners was illegal.

Their case is that since they were working 60 Kms., away from Hyderabad, in a forest area where the basic amenities were not available, they had been granted special allowance of 30% of their basic salary and for this purpose, a resolution was passed by the Syndicate of University on 17th May 1972. By this resolution, the Observatory of the University was shifted to Japal Rangapur Observatory and certain staff were shifted to Japal Rangapur Observatory and the staff so shifted, were directed to be paid 30% of their basic pay as field allowance. The practice was stopped from 2000. It is contended that in spite of having not been granted this allowance for a long period of time, it was stopped in March 2000. Thereafter, this Writ Petition came to be filed.

The Government has not filed any counter and a counter has been filed on behalf of the University, in which it is stated that the University is run on the basis of funds made available to it by the Government and the Government had passed an order being G.O.Ms.No. 255 of 2005. The relevant portion of the G.O is contained in item (xvi), which reads as under:

> "(xvi) The Registrars should note that where Special Pay has not been sanctioned specifically to any particular category the same shall be treated as discontinued and it shall not be allowed in the Revised Pay Scales, 2005. The Registrar on receipt of the verification reports from the audit authorities shall prefer the claim before the Finance Officer of the University. The Finance Officer shall maintain a separate register after the claim of the pay fixations are passed for payment. Monthly accounts shall be prepared and sent with the vouchers including arrears of pay fixation in the Revised Pay Scales in normal course as per the schedules of dates. The Finance Officer of Universities and Comptroller of Acharya N. G. Ranga Agricultural University are requested to issue necessary instructions to their subordinate officers for following the above procedure with regard to admission of pay fixation and reporting system. The Finance Officer shall also inform the Government the total additional expenditure incurred on the implementation of the Revised Pay Scales, 2005 to the Government in Finance (PC-1) Department."

Therefore, the case of the respondents is that after passing of the G.O., the petitioners were not entitled to any field allowance.

However, the learned counsel for the petitioners submits even if this G.O is applicable, it would be applicable only from 10.10.2005. He submits that the period

before 10.10.2005 was covered by the resolution of the University Syndicate and also by the sanction of the Government which was communicated to the Registrar, Osmania University by Secretary to Government, Education Department on 25.9.1989 by letter No. 4323/JE2/88-2. The Secretary informed the Registrar that on merger of D.A. with basic pay in the revised pay scales of 1986 the field allowance of the staff working in Japal Rangapur Observatory was restricted to the old rate of 30% of basic pay in the revised pay scales of 1986 with effect from 1.7.1986. He also informed the Registrar that the clarification was given with the concurrence of Finance and Planning (EE) Department vide their U.C.No. D/89-01/027/19/EE/89, dt. 28.7.1989. In view of this letter of the Government and in view of the G.O.(P) No. 255, I am of the view that the petitioners were entitled to allowance of 30% till 31.3.2005, as G.O.(P) No. 255 was issued on 10.10.2005, but the revised pay scales under it came into force from 1.7.2003 and the monetary benefits were allowed from 1.4.2005; since the petitioners also got monetary benefits under the revised pay scales from 1.4.2005 and in para (xvi) which has been quoted hereinabove it was categorically stated that the special pay has not been sanctioned to any particular category and the same shall be treated as discontinued and it shall not be allowed in the revised pay scales of 2005.

With these observations the Writ Petition is disposed of. No costs.

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BILAL NAZKI, J

Date: 22.08.2007
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